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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

AUG 25 2006

In the Matter of)
)
Amendment of Section 73.202(b))
Table of Allotments)
FM Broadcast Stations)
(Culebra and Vieques, Puerto Rico)

Federal Communications Commission
Office of Secretary

MB Docket No. 04-318
RM-11040

OPPOSITION TO
PETITION FOR RECONSIDERATION

Aerco Broadcasting Corporation, by its attorney, opposes the Petition for Reconsideration filed on August 11, 2006 by Western New Life, Inc ("Western"). Aerco files this opposition as an expression of continued interest in the channel sought to be deleted by Western. In support whereof, the following is shown.

1. On June 23, 2006 the Commission staff released its Report and Order (DA 06-1308) denying attempts by Western, and its predecessors in interest to delete the allocation of channel 291B for Vieques, PR in order to accommodate its proposal to use that channel at Culebra, PR. Western now seeks to have the staff reconsider that decision.

2. Western currently operates on channel 293A by virtue of a special temporary authority since its construction permit is for a channel 254A. On June 23, 1995 (12 years ago) Western's predecessor-in-interest, Aurio and Juan Carlos Matos and La Gigante Radio Corporation (owned by the Matoses), obtained a construction permit for this station to operate on Channel 293A. That construction permit was modified by the Commission to specify operation on Channel 254A, however, notwithstanding that change in frequency, on April 7, 1998 WXZX commenced operation on the wrong channel, i.e, channel 293A, not wanting to wait until other stations moved to other frequencies in order to allow interference free operation on channel 254A. WXZX made a business

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decision to begin operation on the wrong frequency. As a result of that decision, the FCC denied the station program authority and dismissed its license application. Moreover, in May 1998 the unauthorized operation on channel 293A was referred to the bureau's enforcement division which subsequently fined the station.

3. Notwithstanding the unlawful operation of the station, the FCC nevertheless has granted, and continues to renew, the station's special temporary authority to operate on a frequency which effectively blocks the proper use of the allocated channels both to Culebra, and more importantly, to Vieques, PR. The predicament which WXZX finds itself in arises from its own wrongdoing. Every authorization to continue to operate on the wrong channel was conditioned upon WXZX terminating operation on channel 293A when channel 291B in Vieques, PR was operational.

4. At the very outset of this rule making, the Commission restated its position that if an expression of interest is filed during the comment period in this proceeding, the FCC will retain Channel 291B at Vieques for future auction. See, *Notice of Proposed Rule making*, MB Docket 04-318 (DA 04-2500) released August 12, 2004, at paragraph 4.

5. In response to that NPRM expressions of interest to apply for 291B at Vieques were filed by five parties, including Aerco. The expression of interest in this channel filed in 2004 prevents the channel from being deleted, even if this continued expression of interest was not filed.

6. Nevertheless, it was the intention of Aerco to apply for a new FM station on Channel 291B in Vieques in 2004 and remains Aerco's intention to apply for this channel when the auction window opens for this channel.

7. Accordingly, the Petition for Reconsideration filed by Aerco is denied to the extent that it seeks the deletion of channel 291B at Vieques, PR.

Respectfully submitted,
AERCO BROADCASTING CORPORATION

By:



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August 25, 2006

CERTIFICATE OF SERVICE

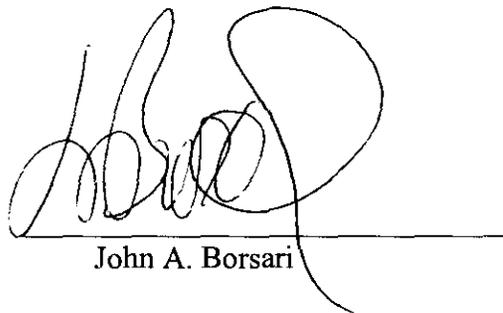
I, John A. Borsari, hereby certify that on August 25, 2006 I caused to be mailed, by First Class mail, postage prepaid, or caused to be hand delivered, where indicated, a copy of the foregoing document to the following:

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